

REMARKS

Claims 1-7 are currently pending in this application. Claim 1 is being amended herewith. A new Claim 8 is being added herewith. The specification is being amended herewith to correct some informalities. Support for these amendments can be found generally throughout the specification, and, specifically at page 8, lines 19-25 and page 10, lines 7-18. Following entry of the foregoing amendments, Claims 1-8 will be pending in the application. Applicants respectfully request further examination of this application in view of the foregoing amendments and the following remarks.

The Office Action

The drawing was objected to on formal grounds. The specification was objected to on formal grounds. Claims 1-7 were rejected under 35 U.S.C. §112, first paragraph, as being non-enabling for neovascularization not resulting from angiogenesis. Claims 1-7 were rejected under the judicially created ground doctrine of nonstatutory obviousness-type double patenting in view of Claims 1-5 of U.S. Patent No. 6,908,910; Claims 1-14 of U.S. Patent No. 7,109,187; Claims 1-16 of U.S. Patent No. 7,012,070; Claims 1, 4, 6 and 8 of U.S. Patent No. 5,661,143 and Claims 1, 2, 5 and 7 of U.S. Patent No. 5,504,074. Applicants respond to each of the foregoing rejections below.

The Drawing

The drawing was objected to on formal grounds. The Office Action states that Figure 3 of the drawings is not labeled "Figure 3" and that correction is required. Applicants are submitting herewith a replacement sheet of drawing appropriately labeled "Fig. 3" and designated as a "Replacement Sheet." Applicant submits that this replacement sheet of drawing satisfies the objection to the drawing set forth in the Office Action.

The Specification

The specification was objected to on several bases. Correction of the title and the abstract was required. Applicants are amending the specification such that the title of the invention now reads "Method For Inhibiting Neovascularization Using Estrogenic Compounds". Applicants are also amending the Abstract to set forth the compounds being utilized. The description of Figure 3 on page 3 (sic., page 4) was objected to. Applicants are amending the specification such that panels I and II and panels a, b, c, and d of panel II are described individually. The specification was objected to because the heading of Example 4 on page 15 is included in the preceding paragraph. Applicants are amending the specification such that the heading for Example 4 appears as a title above the following paragraph. Applicants submit that the foregoing amendments of the specification satisfy the objection set forth in the Office Action.

The Rejection Under 35 U.S.C. §112

Claims 1-7 were rejected under 35 U.S.C. §112, first paragraph, as being non-enabling for neovascularization not resulting from angiogenesis. Applicants are amending Claim 1 herewith to state that the neovascularization is due to angiogenesis. By limiting Claim 1 to neovascularization is due to angiogenesis, it distinguishes the present invention from the other types of neovascularization set forth in the publications noted in the Office Action; *i.e.*, vasculogenesis and arteriogenesis. Applicants submit that the amendment of Claim 1 overcomes the rejection under 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of that rejection is respectfully requested.

The Double Patenting Rejection

Claims 1-7 were rejected under the judicially created ground doctrine of nonstatutory obviousness-type double patenting in view of Claims 1-5 of U.S. Patent No. 6,908,910; Claims 1-14 of U.S. Patent No. 7,109,187; Claims 1-16 of U.S. Patent No. 7,012,070;

Claims 1, 4, 6 and 8 of U.S. Patent No. 5,661,143 and Claims 1, 2, 5 and 7 of U.S. Patent No. 5,504,074. Applicants will file an appropriate terminal disclaimer when allowable subject matter is indicated in the present case.

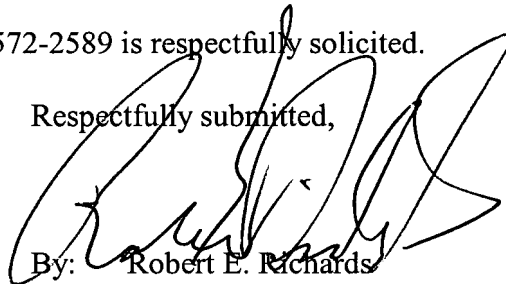
New Claim

Applicants are adding herewith a new Claim 8. This claim depends from Claim 1 and relies for patentability on the features of Claim 1, as well as those features set forth in Claim 8.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that all claims are now in condition for allowance. Such action is respectfully requested. If there are informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at 404-572-2589 is respectfully solicited.

Respectfully submitted,


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